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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,310	04/02/2001	Kouichi Nagaki	Q63784	7350

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,310

Applicant(s)

NAGAKI ET AL.

Examiner

Jacques H. Louis-Jacques

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-28 and 36-47 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-16 is/are rejected.
- 7) ☒ Claim(s) 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 8, 2003 has been entered.

Response to Amendments & Arguments

2. The amendments along with the arguments filed therewith on May 8, 2003 have been entered and carefully considered by the examiner.

Claims 1-7, 16-28 were rejected and claims 8-15 were allowed in the final office action. Applicant has amended independent claims 1, 17, and 23 and added new claims 29-35, 36-41 and 42-47.

Upon reconsidering amended and newly added claims the patent to Crowley et al, the status of the claims are:

Claims 8-15 are allowed (as previously)

Claims 1-3, 5-7, 16; claims 17-22; 23-28 (as amended); claims 36-41 and claims 42-47 (as added) are allowed;

Claims 29-31, 34 and 25 are rejected; and

Claims 32 and 33 are objected.

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The examiner agrees with Applicant's arguments regarding claims 1-3, 5-7, 16, 17-22, 23-28, 41 42-47. However, the examiner disagrees with the applicant's comments regarding newly added claims 29-30 and 35-35.

Applicant states that newly added claims 29-47 "provided more varied protection for the invention". However, claim 29, for example, corresponds to claim 7 (before amended), excluding the limitations of claim 6.

Like claim 7, claim 29 is being rejected.

Crowley et al discloses a memory management for managing resources in a system used in conjunction with a navigation application program that accesses geographic data, wherein the geographic data are comprised of a plurality of data records (abstract). The system according to Crowley et al comprises a defragmenting processing device for defragmenting a storage device holding files a map data. The storage device is non-volatile memory. See figure 1. In columns 3 and 4, in particular, Crowley et al describes that the memory storage device is a non-volatile memory and that the storage device holds navigation map data. The storage device being defragmented, according to Crowley et al, is hard disk. See also columns 16-18.

Below are the rejections applied against the claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-3, 5-7, 16, 29-35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, it not clear to what type of “navigation” the claim refers to. Applicant is suggested to add --operation-- after “navigation”.

In claim 1, line 2, “;” should be changed to --:--.

In claim 1, line 3, “able” is to be deleted because it does provide that the files of the map data are actually read and written.

In claim 1, line 5, in light of the above suggestion, “a navigation operation” lacks clears antecedent basis. Applicant is suggested to change “a” to --the-- before “navigation”.

In claim 8, line 1, it not clear to what type of “navigation” the claim refers to. Applicant is suggested to add --operation-- after “navigation”.

In claim 8, line 3, “able” is to be deleted because it does provide that the files of the map data are actually read and written.

In claim 8, line 5, in light of the above suggestion, “a navigation operation” lacks clears antecedent basis. Applicant is suggested to change “a” to --the-- before “navigation”.

In claim 10, line 1, it not clear to what type of “navigation” the claim refers to. Applicant is suggested to add --operation-- after “navigation”.

In claim 10, line 3, “able” is to be deleted because it does provide that the files of the map data are actually read and written.

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In claim 10, line 5, in light of the above suggestion, “a navigation operation” lacks clear antecedent basis. Applicant is suggested to change “a” to --the-- before “navigation”.

In claim 11, line 1, it not clear to what type of “navigation” the claim refers to. Applicant is suggested to add --operation-- after “navigation”.

In claim 11, line 3, “able” is to be deleted because it does provide that the files of the map data are actually read and written.

In claim 11, line 5, in light of the above suggestion, “a navigation operation” lacks clear antecedent basis. Applicant is suggested to change “a” to --the-- before “navigation”.

In claim 12, line 1, it not clear to what type of “navigation” the claim refers to. Applicant is suggested to add --operation-- after “navigation”.

In claim 12, line 3, “able” is to be deleted because it does provide that the files of the map data are actually read and written.

In claim 12, line 5, in light of the above suggestion, “a navigation operation” lacks clear antecedent basis. Applicant is suggested to change “a” to --the-- before “navigation”.

In claim 13, line 1, it not clear to what type of “navigation” the claim refers to. Applicant is suggested to add --operation-- after “navigation”.

In claim 13, line 3, “able” is to be deleted because it does provide that the files of the map data are actually read and written.

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In claim 13, line 5, in light of the above suggestion, “a navigation operation” lacks clear antecedent basis. Applicant is suggested to change “a” to --the-- before “navigation”.

In claim 29, line 1, it not clear to what type of “navigation” the claim refers to. Applicant is suggested to add --operation-- after “navigation”.

In claim 29, line 2, “;” should be changed to --:--.

In claim 29, line 3, “able” is to be deleted because it does provide that the files of the map data are actually read and written.

In claim 29, line 5, in light of the above suggestion, “a navigation operation” lacks clear antecedent basis. Applicant is suggested to change “a” to --the-- before “navigation”.

Appropriate correction is required

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 29-30 and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Crowley et al [6,073,076].

Crowley et al discloses a memory management for navigation system, wherein geographic data are made of a plurality of data record organized into parcels, each of which contains a portions of the plurality of data records. According to Crowley et al, there is provided a data storage for storing geographic data, e.g., map information and a navigation control for controlling navigational operation using the map data. See figure 1. According further to Crowley et al, the storage device is a nonvolatile memory and wherein the memory storage is defragmented to improve the performance (speed) of the system. See columns 3, 4, 6, 13-14, and 18. Also, as shown in 10, the system of Crowley et al provides the provision of canceling or interrupting the defragmenting process. Also, according to Crowley et al, the operator is provided with a message. Crowley et al further discloses as evident in column a heading reading and writing information, and whereon defragmenting is executed in the vicinity of the information.

Allowable Subject Matter

7. Claims 17-22, 23-28, 36-41, and 42-47 are allowed over the prior art of record.
8. Claims 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 1-3, 5-7, 16, 8-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
July 17, 2003

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER